MC(N) 3169/2006

BEFORE

HON'BLE MR.JUSTICE P.K.SAIKIA

Heard Mr. J.Ahmed, learned counsel for the appellant also heard Ms. B.Saikia, learned counsel for the respondents.

This proceeding has been initiated seeking condonation of delay of 2 months and 29 days in preferring the connected appeal. It has been stated that the grounds of delay in preferring the connected second appeal has been incorporated in Para 4, 5, 6, 7 and 8. In that connection it has been stated that the petitioner is a man of about 85 years of age and at that relevant point of time he was suffering from several old age ailments and in support of the same, a medical certificate has also been annexed.

This prayer for condonation of delay was objected to by the O.P, stating that no good ground has been assigned for condonation of delay of 2 months and 29 days in preferring the connected appeal.

I have perused the petition under Section 5 of the Limitation Act as well as the affidavit in opposition. Having heard the submissions, advanced, by the learned counsel for the parties and having gone through the materials on record, I am of the opinion that there is sufficient reason for the petitioner not to approaching the court in time to file the connected second appeal.

In view of the above, I am of the opinion that the prayer for seeking condonation of delay of 2 months and 29 days needs to be accepted. Accordingly, the prayer is accepted.

Consequently, the delay of 2 months and 29 days in preferring the connected appeal stands condoned, subject to the condition that the petitioner would pay a cost of Rs. 3,000/- on or before 27.07.2014.